

US Serial No. 10/576770
Page 1 of 4

RECEIVED
CENTRAL FAX CENTER

JUN 25 2008

Attorney File Ref: 102792-572 / 11348P1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Fabrizio GAVELLI et al.
Serial No.: 10/576770
Filed: 21.April.2006
Examiner: Ilya Y. TREYGER
Art Group: 3709
Title: **ARTICLE AND METHOD**

PER TELEFAX 571-273-8300

25 June 2008

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 – 1450

AFFIDAVIT OF NACI MANFREDI UNDER 35 U.S.C. 1.132

I, Naci Manfredi, do attest as follows:

1. I have been actively engaged as the docketing clerk at Norris McLaughlin & Marcus PA for a period of nine (9) years. Prior to that, I was the docketing clerk for my prior firm, Sprung, Kramer, Schaefer & Briscoe, which was merged with Norris McLaughlin & Marcus PA for a period of nineteen (19) years.

US Serial No. 10/576770
Page 2 of 4

2. During the above term, I have been the sole person permitted to make entries and enter changes to our docketing system "CPI" at our firm's New York offices. No attorney or other staff member may enter any changes, including additions or deletions, to the docketing record.
3. It is my primary responsibility to docket all communications received from the USPTO in a timely manner during the normal course of my day-to-day duties.
4. All correspondence from the Patent Office is delivered to me, I enter the receipt of correspondence from the Patent Office into our docketing system, "CPI" for each particular matter, and enter the due-date for the response. The docketed correspondence is then delivered to the responsible attorney with the file for further action.
5. At the request of Andrew N. Parfomak, Esq., attorney and partner at our firm, I generated a report today, titled "Due Date List by Date" which lists all outstanding actions due for any of the patent attorneys in our firm for the time interval inclusive of 01 August 2007 through 05 August 2007. A copy of the results of this search are enclosed. I also printed out a copy of the search parameters which were entered in order to generate the "Due Date List by Date", a printout of which I also enclose which is titled "Report Selection", indicating that the sole search query limitations were those of the foregoing dates.

As the "Due Date List by Date" attests, there is no entry for the any response due for US Ser. No. 10/576770 in that range of date. If the *Office Action* of 04.May.2007 had been timely received by our offices, it would have been passed to my attention and entered and would have resulted in an entry in the "Due Date List by Date" report for that period.

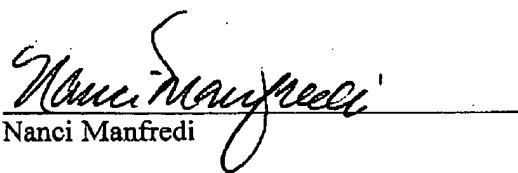
US Serial No. 10/576770
Page 3 of 4

As can be seen by inspection, there are no such due dates listed for any actions due for US Ser.No. 10/576770, although other office actions for other pending applications were evidently received by us as evidenced by the several entries visible on "Due Date List by Date".

6. As indicated, the docket report for the instant application shows that no Office Action was received, and the report indicates that no due-date had been entered for this application, as would have been had the Office Action been received.

The copy of the docket report attached is the docket record where the non-received Office Communication would have been entered had it been received and docketed, as required by MPEP Section 711.03(e)(II).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Nanci Manfredi
Nanci Manfredi

Date: 6/25/08

Norris, McLaughlin & Marcus PA
875 Third Avenue, 18th Floor
New York, NY 10022

Tel: (212) 808-0700

US Serial No. 10/576770
Page 4 of 4

RECEIVED
CENTRAL FAX CENTER
JUN 25 2008

CERTIFICATION OF TELEFAX TRANSMISSION:

I hereby certify that this paper and any indicated enclosures thereof are being telefax transmitted to the US Patent and Trademark Office to telefax number: 571-273-8300 on the date shown below:

Allyson Ross
Allyson Ross

6/25/08
Date

C:\ANPCMB\102792\572\Affidavit01.doc

Case Type:		Action Due Date		Action Type		Case Number/SubCase Country		Status		App Number Pat Number		App Date Iss Date		Atty's	
05-Aug-2007	NM CU2 AWAIT FIRST ACTION	02132 028 /	Published	Client	Dr. Ing. Peter Riebling	10/548787	Published	05-May-2006	CH	05-May-2006	CH				
Due Date	NM CU2	United States of America													
CaseType:	PCT	<i>Title:</i> METHOD FOR ENABLING A COMBINATION OF SEVERAL INDIVIDUAL PRODUCTS TO BE IDENTIFIED CLEARLY													NM

Case Type:		Action Due Date		Action Type		Case Number/SubCase Country		Status		App Number Pat Number		App Date Iss Date		Atty's	
05-Aug-2007	DDK PUB SCANNED PTO? IMO	02132 029 /	Published	Client	Dr. Ing. Peter Riebling	10/550914	Published	29-Jan-2007	CH	29-Jan-2007	CH				
Reminder	PUB SCAN	United States of America													
CaseType:	PCT	<i>Title:</i> METHOD FOR IMMEDIATE DELIVERY OF EMAIL TO TELECOMMUNICATION TERMINALS													NM

Action Search					
<input checked="" type="radio"/> by Due Date <input type="radio"/> by Due Date (Calendar)					
<input type="radio"/> by Attorney <input type="radio"/> by Attorney (Via Email)					
<input type="radio"/> by Client					
Report Format	<input type="radio"/> Concise <input checked="" type="radio"/> Comprehensive				
Remarks	<input checked="" type="radio"/> Print <input type="radio"/> Do Not Print				
<input checked="" type="checkbox"/> Preview before printing					
From Date:	<input type="text" value="01-Aug-2007"/>	To Date:	<input type="text" value="05-Aug-2007"/>	Status Codes:	<input type="radio"/> Active <input type="radio"/> Inactive <input checked="" type="radio"/> All
Client:	<input type="text"/>	Attorney:	<input type="text"/>		
Action Type:	<input type="text"/>	Action Due:	<input type="text"/>		
Indicator:	<input type="text"/>	Country:	<input type="text"/>	Area:	<input type="text"/>